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**ORDINANCE NO. O-12-14**

**AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF COLTON AMENDING VARIOUS SECTIONS  
OF CHAPTER 2.16 OF THE COLTON MUNICIPAL  
CODE REGARDING THE APPOINTMENT, REMOVAL,  
AND QUALIFICATIONS OF THE CITY MANAGER**

**WHEREAS**, Government Code Section 36506 provides that the City Manager holds office at the pleasure of the City Council, leaving the development of specific rules regarding the appointment and removal of the City Manager to the City Council; and

**WHEREAS**, Chapter 2.16 of the Colton Municipal Code provides the rules regarding the appointment and removal of the City Manager; and

**WHEREAS**, the vast majority of the provisions of Chapter 2.16 of the Colton Municipal Code were adopted in 1956 and have not been amended by the City Council since that time; and

**WHEREAS**, the City Council finds that, at present, the process for the removal of the City Manager is unnecessarily complex and time consuming; and

**WHEREAS**, the City Council wishes to amend the current process to provide for a simpler process for the removal of the City Manager; and

**WHEREAS**, Section 10(b) of Article XI of the California Constitution prohibits the City from requiring its employees to be residents of the City, but expressly permits the City to require that employees reside within a reasonable distance of a designated location; and

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**WHEREAS**, the City Council wishes to amend its Municipal Code provisions regarding residence to require the City Manager to reside within a reasonable distance, twenty five (25) miles, of City Hall within three months of being hired;

**WHEREAS**, the Immigration Reform and Control Act, which prohibits discriminating against applicants and employees based on their citizenship or national origin; and

**WHEREAS**, the City Council wishes to amend its Municipal Code provisions regarding the City Manager’s qualifications to require eligibility to work in the United States rather than citizenship.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COLTON DOES ORDAIN AS FOLLOWS:**

**SECTION 1:** Section 2.16.020 of Chapter 2.16 of Title 2 of the Colton Municipal Code is hereby amended to read as follows:

“2.16.020 Appointment—Removal—Procedure.  
The City Manager shall be appointed for an indefinite term, and her or his compensation fixed, by ordinance or resolution of the City Council at an open session. The City Manager holds office at the pleasure of the City Council and may be removed by majority vote at any time and in any manner.

The City Council may provide a City Manager with greater procedural protections against removal in a contract approved in open session by majority vote of the City Council.”

**SECTION 2:** Section 2.16.030 of Chapter 2.16 of Title 2 of the Colton Municipal Code is hereby amended to read as follows:

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2 “2.16.030      Eligibility.

3 A. Residence in the City shall not be required as a condition of the appointment.

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5 B. Within three months following the date of hire, the City Manager shall reside within a  
6 geodesic distance of twenty five (25) miles from City Hall. Following the three-month period,  
7 the failure of the City Manager to reside within this distance shall entitle the City Council to  
8 declare the office of City Manager vacant by reason of resignation. The City Council may, at its  
9 discretion, contract around this requirement when hiring or renewing the contract of the City  
10 Manager.

11 C. No Person elected as a Councilman of the City shall, subsequent to such election, be eligible  
12 for appointment as City Manager until one year has elapsed after such Councilmember ceases to  
13 be a member of the City Council.

14 D. The City Manager must be a citizen of the United States, not less than thirty Years of age,  
15 and shall be a Person of demonstrated administrative ability with experience in responsible  
16 executive positions, and he or she shall be chosen by the City Council solely upon the basis of  
17 her or his executive and administrative qualifications as determined by the City Council.

18  
19           **SECTION 3: Severability.** If any section, subsection, subdivision, paragraph,  
20 sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to  
21 unconstitutional, such decision shall not affect the validity of the remaining portion of this  
22 ordinance or any part thereof. The City Council of the City of Colton hereby declares that it  
23 would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase  
24 thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph,  
25 sentence, clause or phrases be declared unconstitutional.

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**SECTION 4:** This ordinance shall take force and effect thirty (30) after its adoption.

**SECTION 5:** The City Clerk shall certify to the adoption of this Ordinance and cause it, or a summary of it, to be published in a newspaper of general circulation printed and published within the City of Colton in accordance with law.

**PASSED, APPROVED, AND ADOPTED** this 4<sup>th</sup> day of November, 2014.

  
Sarah S. Zamora  
Mayor

ATTEST:

  
Carolina R. Padilla  
City Clerk

APPROVED AS TO FORM:

  
Best Best & Krieger LLP  
City Attorney

1 STATE OF CALIFORNIA )  
2 COUNTY OF SAN BERNARDINO ) ss  
3 CITY OF COLTON )

4 CERTIFICATION

5 I, **CAROLINA R. PADILLA**, City Clerk of the City of Colton, California, do hereby  
6 certify under penalty of perjury that the foregoing is a full, true and correct copy of  
7 **ORDINANCE NO. O-12-14**, and was duly passed, approved, and adopted by the City  
8 Council of the City of Colton at its Regular Meeting held on the **4<sup>th</sup> day of November,**  
9 **2014**, by the following vote to wit:

10  
11 AYES: COUNCILMEMBER Toro, Gonzales, Navarro, Oliva,  
12 Bennett and Mayor Zamora  
13 NOES: COUNCILMEMBER None  
14 ABSTAIN: COUNCILMEMBER None  
15 ABSENT: COUNCILMEMBER MPT Suchil  
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17 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official  
18 seal of the City of Colton, California, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

19  
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21 \_\_\_\_\_  
22 CAROLINA R. PADILLA  
23 City Clerk  
24 City of Colton, California

25 (SEAL)  
26  
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